

108TH CONGRESS  
1ST SESSION

# S. 910

To ensure the continuation of non-homeland security functions of Federal agencies transferred to the Department of Homeland Security.

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## IN THE SENATE OF THE UNITED STATES

APRIL 11, 2003

Mr. AKAKA (for himself, Mr. CARPER, and Mr. LAUTENBERG) introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

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## A BILL

To ensure the continuation of non-homeland security functions of Federal agencies transferred to the Department of Homeland Security.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Non-Homeland Secu-  
5       rity Mission Performance Act of 2003”.

6       **SEC. 2. FINDINGS AND PURPOSE.**

7       (a) FINDINGS.—Congress makes the following find-  
8       ings:

1           (1) Federal agencies included in the Depart-  
2           ment of Homeland Security perform important non-  
3           homeland security functions on which all United  
4           States citizens rely, such as the protection of fish-  
5           eries and agriculture, communication and transpor-  
6           tation infrastructures, and medical supplies.

7           (2) Federal agencies included in the Depart-  
8           ment shall ensure the continuation of non-homeland  
9           security functions as new homeland security respon-  
10          sibilities are adopted.

11          (3) A strategy to address non-homeland secu-  
12          rity functions is needed to meet the daily needs of  
13          Americans and to preserve the security of the Na-  
14          tion.

15          (4) Non-homeland security functions are com-  
16          plementary to homeland security functions and often  
17          share personnel, resources, and assets. It is appro-  
18          priate for each Under Secretary of the Department  
19          of Homeland Security to ensure that non-homeland  
20          security functions are performed.

21          (5) Agencies in the Department of Homeland  
22          Security perform essential non-homeland security  
23          functions Americans rely on everyday, including the  
24          following:

1           (A) The United States Coast Guard has  
2           vital non-homeland security functions, including  
3           search and rescue, fisheries enforcement, law  
4           enforcement, marine safety, and aids to navigation.  
5           tion.

6           (B) The Department of Homeland Security  
7           Bureau of Citizenship and Immigration Services  
8           provides important immigration and citizenship  
9           services and benefits including processing and  
10          approving requests for citizenship, adjudicating  
11          asylum for refugees, and immigration benefits,  
12          such as refugee and intercountry adoptions.

13          (C) The Federal Emergency Management  
14          Agency (FEMA) assists local communities to  
15          prepare for and respond to floods, hurricanes,  
16          earthquakes, fires, tornadoes, and other natural  
17          disasters. The Federal Emergency Management  
18          Agency supplements State and local responses  
19          to natural disasters and the mitigation of damage,  
20          and prevention of disasters, such as earthquakes.  
21          quakes.

22          (D) The Animal and Plant Health Inspection  
23          Service and the Animal Research Service  
24          develop strategies to prevent and control foreign  
25          or emerging animal and plant disease epidemics

1 vital to farmers, the economy, and the protec-  
2 tion of the environment.

3 (E) The Secret Service is charged with  
4 safeguarding payment and financial systems by  
5 protecting against counterfeiting, identity theft,  
6 credit card fraud, cell phone fraud, computer  
7 and telecommunications fraud, money laun-  
8 dering, and other financial crimes.

9 (F) The United States Customs Service  
10 protects our free trade essential for a healthy  
11 economy by working to lower the cost of trade  
12 compliance, providing guidance on the conduct  
13 of legal trade, and monitoring imports to ensure  
14 compliance with public health and safety laws.  
15 Customs protects intellectual property and com-  
16 bats money laundering, child pornography, and  
17 drug trafficking.

18 (b) PURPOSES.—The purposes of this Act are to—

19 (1) ensure the continuation of non-homeland se-  
20 curity functions of Federal agencies; and

21 (2) ensure that Federal agencies develop sound  
22 management strategies and allocate sufficient fund-  
23 ing to carry out non-homeland security functions.

1 **SEC. 3. NON-HOMELAND SECURITY FUNCTIONS PERFORM-**  
2 **ANCE.**

3 (a) IN GENERAL.—For each entity in the Depart-  
4 ment of Homeland Security that performs non-homeland  
5 security functions, the Under Secretary with responsibility  
6 for that entity, in conjunction with the head of that entity,  
7 shall submit a report on the performance of the entity and  
8 all the functions of that entity, with a particular emphasis  
9 on examining the continuing level of performance of non-  
10 homeland security functions to—

- 11 (1) the Secretary of Homeland Security;  
12 (2) the Committee on Governmental Affairs of  
13 the Senate;  
14 (3) the Committee on Appropriations of the  
15 Senate;  
16 (4) the Committee on Government Reform of  
17 the House of Representatives;  
18 (5) the Select Committee on Homeland Security  
19 of the House of Representatives; and  
20 (6) the Committee on Appropriations of the  
21 House of Representatives.

22 (b) CONTENTS.—The report referred to under sub-  
23 section (a) shall—

- 24 (1) to the greatest extent possible, provide an  
25 inventory of the non-homeland security functions of

1 the entity and identify the capabilities of the entity  
2 with respect to those functions, including—

3 (A) the number of employees carrying out  
4 those functions;

5 (B) the budget for those functions; and

6 (C) the flexibilities, personnel or otherwise,  
7 used to carry out those functions;

8 (2) contain information relating to the roles, re-  
9 sponsibilities, organizational structure, capabilities,  
10 personnel assets, and annual budgets, specifically  
11 with respect to the capabilities of the entity to ac-  
12 complish non-homeland security functions without  
13 any diminishment;

14 (3) contain information relating to whether any  
15 changes are required to the roles, responsibilities,  
16 functions, organizational structure, modernization  
17 programs, projects, activities, recruitment and reten-  
18 tion programs, and annual fiscal resources to enable  
19 the entity to accomplish non-homeland security func-  
20 tions without diminishment; and

21 (4) contain the strategy the Department will  
22 use for the performance of non-homeland security  
23 functions and homeland security functions.

24 (c) SUBMISSION OF REPORTS.—During the 5-year  
25 period following the date of the transfer of an entity that

1 performs non-homeland security functions to the Depart-  
 2 ment of Homeland Security or the date of the establish-  
 3 ment of an entity that performs non-homeland security  
 4 functions within the Department of Homeland Security,  
 5 the Under Secretary with responsibility for that entity  
 6 shall submit an annual report described under subsection  
 7 (a).

8 (d) ANNUAL EVALUATIONS.—

9 (1) IN GENERAL.—The Comptroller General of  
 10 the United States shall monitor and evaluate the im-  
 11 plementation of this section.

12 (2) REPORTS.—Not later than 60 days after  
 13 the date of enactment of this Act and every year  
 14 during the succeeding 5-year period, the Comptroller  
 15 General of the United States shall submit a report  
 16 to the Committee on Governmental Affairs of the  
 17 Senate and the Committee on Government Reform  
 18 of the House of Representatives containing—

19 (A) an evaluation of the implementation  
 20 progress reports submitted under this section;

21 (B) the findings and conclusions of the  
 22 Comptroller General of the United States re-  
 23 sulting from the monitoring and evaluation con-  
 24 ducted under this subsection, including evalua-  
 25 tions of how successfully the Department of

1 Homeland Security is meeting the non-home-  
2 land security functions of the Department; and

3 (C) any recommendations for legislation or  
4 administrative action the Comptroller General  
5 of the United States considers appropriate.

6 (e) PERFORMANCE REPORTS.—In performance re-  
7 ports submitted under section 1116 of title 31, United  
8 States Code, the Department of Homeland Security  
9 shall—

10 (1) clarify homeland security and non-homeland  
11 security function performance; and

12 (2) fully describe and evaluate the performance  
13 of homeland and non-homeland security functions  
14 and goals to Congress.

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